technical information likely to confuse and mislead?

(7) Is a wider selection of brandy products desirable?

B. Industry Consideration

(1) What facts show the need for establishing new standards of identity for grape brandies—specifically, "varietal," "vintage," and "vintage-varietal" brandies?

(2) What additional facts, studies, surveys, and tests are needed to support the proposal?

(3) What facts, personal observations, etcetera could demonstrate the possible inadequacies of the proposal?

(4) What impact would categorizing grape brandies as a separate type from fruit brandies have on the grape growing, wine, and brandy industries?

(5) Should vintage year claims be allowed for any brandy?

(6) Should age statements be allowed for any brandy in addition to or in lieu of vintage year claims?

(7) Should the aging of grape brandy be at not less than four years rather than the present two-year minimum? Should a special provision be established for "varietal grape brandies" aged at least eight years?

(8) What recordkeeping and accountability requirements are necessary? Would they pose an undue administrative burden on the alcoholic beverage industry and ATF?

(9) Which "varietal grape brandies," after distillation and aging, are likely to possess the taste, aroma, and characteristics generally attributed to the variety of the grape?

(10) What procedures, samples at barrel proof, and conditions are necessary to conduct a joint experimental study with ATF? Consideration should be given as to (a) whether "varietal grape brandies" should be designated lower distillation proof than "blended" grape brandies; and (b) as to whether distillation proof should be eliminated and substituted by a distinction based on esters contents or some other measurement which the ATF National Laboratory would consider enforceable and meaningful.

(11) What regulations, if any, have been issued by foreign countries on varietal and/or vintage brandy? What kind of certification on exports and imports would be needed to verify varietal and vintage claims on labels?

C. Submission of Samples

Any proprietor desiring to submit "varietal and vintage brandy" samples to ATF should submit a written notice of intent to the Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 385, Washington, DC 20044, Attention: Chief, Regulations and Procedures Division (Notice No. 332). Indicate, too, what varietal grapes will be used. Written notices of intent must be received during the 90-day comment period.

Authority

This advance notice of proposed rulemaking is issued under the authority of 27 U.S.C. 205 (49 Stat. 981).

Signed: November 16, 1979.

G. R. Dickerson,

Director.

Approved: November 26, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-39928 Filed 12-31-79; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 1381-8]

Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Delay in Publication of Regulatory Agenda.

SUMMARY: This notice announces a delay in the publication of the Environmental Protection Agency's regulatory agenda.

I originally planned to publish the Environmental Protection Agency's sixth Regulatory Agenda in December of 1979. I now have revised the schedule. EPA will publish its next Agenda in February of 1980.

FOR FURTHER INFORMATION CONTACT:

David Sahr, 755-2693.

Henry E. Beal,

Director, Standards and Regulations Division.

[FR Doc. 79-39936 Filed 12-31-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1381-7]

Implementation Plan Revision for a Nonattainment Area in the State of Arizona; Receipt/Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of a revision to the Arizona State Implementation Plan (SIP) and to invite public comment. The Nonattainment Area Plan (NAP) for Total Suspended Particulates for the Maricopa County Urban Planning Area has been received from the Arizona State Department of Health Services. The plan was submitted to EPA in accordance with the requirements of Part D of The Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas," and is available for public inspection at the addresses below. A notice of proposed rulemaking discussing this plan will be published in the **Federal Register** at a later date.

The period for submittal of public comments will end not less than 60 days from this date and not less than 30 days from the published date of EPA's Notice of Proposed Rulemaking.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following locations:

Air and Hazardous Materials Division (A-4-2), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, S.W., Room 2404, Washington, D.C. 20404.

Arizona State Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007.

Maricopa Association of Governments, 1820 West Washington, Phoenix, AZ 85007.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Pub. L. No. 95-95, require states to revise their SIP's for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962), March 19, 1979 (44 FR 16388) and April 10, 1979 (44 FR 21261). State and local governments were required by January 1, 1979 to develop, adopt, and submit to EPA revisions to their SIP's which provide for attainment of the NAAQS as expeditiously as practicable. The Maricopa county area has been designated nonattainment for carbon monoxide, ozone, and total suspended particulates.

The Governor's designee submitted the Maricopa County Urban Planning Area NAP for Total Suspended Particulates (TSP) to EPA on November 8, 1979. The initial NAP for Carbon Monoxide and Ozone for Maricopa County was submitted on February 23, 1979 and a revision to that plan was submitted on July 3, 1979. Notices of proposed rulemaking were published in the **Federal Register** on June 11, 1979 and October 30, 1979 for the Carbon Monoxide and Ozone plan submittals.

EPA is now reviewing the TSP plan for conformance with the requirements of Part D of the Clean Air Act, as amended. Following EPA's review of the plan, a notice of proposed rulemaking will be published in the **Federal Register** that will provide a description of the proposed SIP revision, summarize the Part D requirements, identify the major issues in the proposed revision, and suggest corrections. An additional 30 days will be provided for public comments at that time.

(Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: December 18, 1979.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 79-39941 Filed 12-31-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 410, 425, 429 and 454

[FRL 1383-7]

Textile Mills Point Source Category, Leather Tanning and Finishing Point Source Category, Timber Products Processing Point Source Category, Gum and Wood Chemicals Point Source Category, Effluent Guidelines and Standards; Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public Hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the Federal Register as follows:

Proposal date	*Category*
July 2, 1979 (40FR38746)	Leather tanning and finishing.
October 29, 1979 (40FR62204)	Textile mills.
October 31, 1979 (40FR62810)	Timber products processing.
November 29, 1979 (40FR68710)	Gum and wood chemicals.

DATES: A public hearing has been scheduled for the following date and place: February 15, 1980—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Hall of States, Skyline Inn, South Capitol and I Streets, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jaye Swanson, Project Officer for Public Participation, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401, M Street, SW., Washington, D.C. 20460. (202) 426-2560

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address, including which session of the hearing they plan to attend.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 8:30 to 9:00 AM. Oral testimony will be presented as follows: 9:30 to 11:30 AM—Textile Mills, 11:30 AM to 2:15 PM—Leather Tanning and Finishing, 2:45 to 4:15 PM—Timber Products Processing and 4:15 to 6:00 PM—Gum and Wood Chemicals. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These question will be addressed during the question and answer sessions which will conclude the presentations of oral testimony for each category.

A court recorder will be present at the public hearing. Official transcripts will be available at cost.

Dated: December 28, 1979.

Swep T. Davis,

Assistant Administrator for Water and Waste Management.

[FR Doc. 79-39930 Filed 12-31-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 429

[FRL 1383-1]

Timber Products Processing Point Source Category Effluent Limitations Guidlines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: On October 31, 1979, EPA proposed regulations under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in timber products processing operations (44 FR 62810-62846). EPA is extending the period for comment on the proposed regulations from December 31, 1979, until February 15, 1980, because of delays in the availability of the support documents.

DATES: Comments on the proposed regulations for the timber products processing industry (44 FR 62810) must be submitted to EPA by February 15, 1980.

ADDRESS: Send comments to: Mr. Richard E. Williams, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, Attention: Docket Clerk, Proposed TIMBER. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Richard Williams (202) 426-2554.

SUPPLEMENTARY INFORMATION: On October 31, 1979, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in timber products processing operations (44 FR 62810-62846). The October 31 notice stated that comments on the proposal were to be submitted on or before December 31, 1979.

Because of delays in printing of the technical and economic documents, the documents were not generally available to the public until December 14, 1979. Therefore, the comment period has been extended to allow the public adequate time to review and comment on the proposed regulations. All comments must be submitted by February 15, 1980.

Dated: December 18, 1979.

Swep T. Davis,

Assistant Administrator for Water and Waste Management.

[FR Doc. 79-39940 Filed 12-31-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 2

Confidentiality of Alcohol and Drug Abuse Patient Records

AGENCY: Public Health Service, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Department of Health, Education, and Welfare (HEW) intends to make editorial and substantive changes in the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

HEW plans to make editorial changes to fulfill its commitment to make its regulations clearer and more concise in order to promote public understanding of its programs.

HEW expects to make substantive changes because the regulatory solutions to the complex social policy issues raised by the confidentiality protections merit reconsideration in light of experience gained with the regulations over the past four years.

DATES: Submit written comments not later than March 3, 1980.

ADDRESSES: Submit written comments to: Judith T. Galloway, Legal Assistant, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION: Contact Judith T. Galloway (301) 443–3200.

SUPPLEMENTARY INFORMATION: The public is invited to submit comments, views, and suggestions on the issues listed below. Because this list is not intended to be exhaustive, the public is invited to identify other issues. Comments, views, and suggestions are also invited on any parts of the regulations which are difficult to understand and on any other aspect of the confidentiality regulations.

(a) *Should the regulations be amended to permit patient access to his or her records for the purpose of making copies and disclosures as the patient sees fit?* Now the regulations require programs to exercise independent judgment regarding the benefit to the patient of a disclosure which he or she has consented to and regarding the voluntary nature of the consent. See §§ 2.40 and 2.40–1.

(b) *Should the regulations be amended to require that a program give notice to each patient of the existence and effect of Federal law and regulations which protect the confidentiality of alcohol and drug abuse patient records? Should the notice requirement be extended to any applicable State laws and regulations on confidentiality?* Now the regulations do not address the issue of informing a patient of confidentiality protections.

(c) *Should the regulations be amended to apply only to specialized alcohol or drug abuse treatment and rehabilitation programs?* Now the regulations apply to alcohol and drug abuse patient records of general medical care facilities, as well as specialized facilities, which are federally assisted. See §§ 2.12 and 2.12–1 and the pertinent definitions in § 2.11.

(d) *Should the regulations be amended to permit an auditor or program evaluator to redisclose patient identifying information obtained from a referring program for the purpose of evaluating that program's client referral mechanism?* Now the regulations prohibit redisclosure of any patient identifying information disclosed for purposes of audit or program evaluation, unless the situation is considered to be a medical emergency. See §§ 2.52 and 2.52–1.

(e) *Should the regulations be amended to permit a patient to consent to disclosure of information by means of a more general consent form?* The regulations now require eight specific elements in the consent form. See §§ 2.31 and 2.31–1.

(f) *Should the regulations be amended to facilitate reimbursement by making the written consent requirements less stringent for disclosures to third-party payers and funding sources?* Now the regulations allow disclosure to third-party payers and funding sources only if the patient consents in writing in accordance with the specifications in § 2.31. See §§ 2.37 and 2.37–1.

(g) *Should the regulations be amended to extend to family members the liberal disclosure provision allowed for a patient's legal counsel?* Now disclosure of any information in the patient's records may be made to legal counsel upon written application of the patient endorsed by the attorney. See §§ 2.35, 2.35–1, 2.36 and 2.36–1.

(h) *Should there be any prohibition on redisclosure by the recipient of a disclosure made with written patient consent?* Now the regulations prohibit redisclosure if the disclosure was accompanied by a statement that the confidentiality regulations apply and require the disclosing entity to include such a statement of applicability with each written disclosure. See §§ 2.32 and 2.32–1.

(i) *Should the regulations be amended to permit disclosures with written consent to employers and employment agencies which are necessary to evaluate potential hazards created by a patient's employment even though that information may result in that patient being denied employment or advancement?* Now the regulations require a determination by the program that the information to be disclosed would not be used to deny the patient employment or advancement because of his or her history of drug or alcohol abuse, even though the patient has consented to disclosure. See §§ 2.38 and 2.38–1.

(j) *Should the regulations be amended to remove the prohibition on the entry of a court order authorizing the disclosure of communications by a patient to personnel of the program?* Now the regulations permit a court order to authorize only the disclosure of the dates of enrollment, discharge, attendance, medication, and similar objective data, except where a patient in litigation offers testimony or other evidence pertaining to the content of a communication with a program. See §§ 2.63 and 2.63–1.

(k) *Should the procedures and criteria for entry of an authorizing court order be less detailed in order to simplify compliance by affected parties, including the courts, law enforcement agencies and programs?* Now the regulations establish detailed conditions and procedures for issuance of authorizing court orders. See §§ 2.64, 2.64–1, 2.65, 2.65–1, 2.66, 2.66–1, 2.67, and 2.67–1.

(l) *Should the regulations be amended to permit disclosure of the patient status of an individual who commits or threatens to commit a crime on program premises or against program personnel?* Now the regulations permit reporting of the crime but do not permit identifying the suspect as a patient unless a court order is obtained. See § 2.13(d) and § 2.13–1(c).

(m) *Should the regulations be amended to permit the disclosure to law enforcement officials of the presence at a facility of a named individual without an authorizing court order?* Now the regulations restrict the disclosure of information to anyone concerning a patient's attendance, absence, physical whereabouts, or status as a patient, so that the presence of an individual at an alcohol or drug abuse treatment facility may only be disclosed to law enforcement officers with an authorizing court order. See § 2.13(a) and (c) and § 2.13–1(a) and (b).

(n) *Should the regulations be amended to remove the absolute prohibition on the use of informants and undercover agents to investigate patients? Now the regulations totally preclude use of informants and undercover agents to investigate patients but an authorizing court order may allow their use to investigate a program or program personnel. See §§ 2.19, 2.19–1, 2.67 and § 2.67–1.*

(o) *Should the regulations continue to prohibit absolutely the disclosure and use of patient records for investigation or prosecution of non-serious crimes which are not committed on program premises or against personnel of the*

program? Now the regulations permit the entry of a court order authorizing such disclosure and use only if the crime is extremely serious, or was believed to have been committed on program premises or against program personnel. See §§ 2.65 and 2.65–1.

Dated: November 5, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79–39937 Filed 12–31–79; 8:45 am]

BILLING CODE 4110–88–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1127

[Ex Parte No. 293 (Sub-8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: On June 26, 1979 (44 FR 39560, July 6, 1979), the Rail Services Planning Office (RSPO) issued proposed amendments to the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards). The proposed amendments reflected a change in the cost responsibilities occasioned by RSPO's ruling in Interpretation No. 9 that the owner of a rail property is presumed to be the dominant user and should bear the base costs of the property. RSPO requested comments on the proposed amendments and, after an evaluation of the comments received, proposes to modify the responsibility of the parties for personal injury and property damage. The balance of the proposed amendments were made final in a separate decision on December 21, 1979, published elsewhere in this issue.

DATE: RSPO invites comments on the proposed amendment on or before January 31, 1980.

ADDRESS: An original and six copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 7381, Washington, D.C. 20423. Attn: RSPO Commuter Standards.

FOR FURTHER INFORMATION CONTACT: Stephen M. Grimm, (202) 275–0838.

SUPPLEMENTARY INFORMATION: On June 26, 1979, RSPO issued proposed amendments to the Standards and requested interested parties to comment on the proposed changes. The proposed amendments were the direct result of RSPO's ruling in Interpretation No. 9, issued August 15, 1978, that the owner of a rail property is presumed to be the dominant user and should bear the base costs associated with that property. In Interpretation No 9, RSPO found that a rulemaking proceeding would be required to develop the specific amendments necessary to implement the conceptual decision made in the interpretation. A notice of proposed rulemaking was issued on October 19, 1978 and, after an evaluation of the comments and proposals received, RSPO developed the proposed amendments.

RSPO has evaluated the comments received on the proposed amendments and has decided that a change in the responsibilities of the parties for personal injury and property damage is necessary. The balance of the proposed amendments were issued as final rules on December 21, 1979.

Responsibility for Personal Injuries and Property Damage

In its June 26, 1979, report, RSPO declined to propose any changes in the responsibilities of the parties under § 1127.7(f)(3)(vii) of the Standards. This section required the subsidizer to be responsible for any damage, casualty and insurance costs incurred as a result of the operation of commuter service. However, RSPO stated that further comments and proposals would be considered if the parties believed that the issue of liability was critical to the revision of the Standards.

The Southeastern Pennsylvania Transportation Authority (SEPTA) responded to RSPO's request for comments and proposals. SEPTA stated that this issue is critical to the revision of the Standards and "represents the instance in which RSPO has most clearly failed to apply Interpretation No. 9 in a fair and even-handed manner." SEPTA avers that the application of Interpretation No. 9 to the Standards should require that Conrail assume liability for a joint incident involving a freight and commuter train, if such an incident occurred on SEPTA's property. SEPTA's rationale is the "avoidability" principle. Under this principle, RSPO had previously concluded (in the original development of the Standards) that no casualties would occur, nor liabilities accrue but for the provision of subsidized commuter service. SEPTA believes that this principle must be restated in light of the "dominant user" concept expressed in the interpretation. SEPTA states that:

> . . . if a freight train collides with a commuter train on a SETPA-owned rail line, resulting in casualty costs, it can well be said that such costs would not have been incurred but for the operation of the freight service and are therefore "avoidable costs" to be borne by the freight service. If, as RSPO held, this line of reasoning was valid when Conrail made it, it is equally valid when SEPTA makes it.

In order to incorporate this idea, SEPTA specifically suggested that § 1127.7(f)(3)(vii) be revised to indicate that the minority user is responsible for any costs incurred as a result of the operation of the minority service.

Conrail also submitted comments on the issue of liability. Conrail stated that the issue of liability is "not related to the principle announced in Interpretation No. 9." However, Conrail added that it "supports the rule that any casualty loss or expense . . . be treated on an avoidance basis."

RSPO shares concern of the parties over the issue of liability and, after further analysis, agrees with SEPTA that the avoidability principle should be restated in terms of "dominant" and "minority" users rather than "freight" and "commuter", in a manner similar to the other issues resolved under Interpretation No. 9. Consequently, RSPO proposes that § 1127.7(f)(3)(vii) of the Standards be amended to read that the minority user will be responsible for any personal injuries and property damage.

RSPO requests comments, by January 31, 1980, on the proposed revisions to the Standards appended to this report.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

This proposed rule is published under the authority of 49 U.S.C. 10362.

Issued: December 21, 1979, by Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Proposed amendments to Part 1127, subchapter B, Chapter X, Title 49, Code of Federal Regulations:

Section 1127.7(f)(3)(vii) is amended to read as follows:

§ 1127.7 [Amended]

* * * * *

(f) * * *

(3) * * *

(vii) *Freight Lost or Damaged—Solely Related; Clearing Wrecks; Other Casualties and Insurance.* The minority user shall be responsible for any costs incurred under these accounts resulting from the operation of the minority service. Where the subsidizer is a minority user, the railroad shall, if the subsidizer agrees, establish a reserve for